

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

20-CR-79-V

DEYANNA DAVIS,

Defendant.

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**AFFIDAVIT**

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

**SETH T. MOLISANI**, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and assigned to my office's file regarding this action. This affidavit is submitted in order to supplement and correct the Government's Memorandum of Law in Support of its Motion to Revoke the Magistrate Judge's Detention Decision and Order (Dkt. 37).

2. Through inadvertent Government error, the Government's memorandum of law was filed and docketed with an earlier iteration of the submission which contains references to the emergency county-wide state of emergency and curfews imposed by Erie County Executive Mark Poloncarz, including references to Exhibits A and B. There are no

such attachments included with the Government's filing because those references were subsequently removed in the final version of the Government's submission.

3. Furthermore, references and arguments relating to the aforementioned curfew, which currently appear in the discussion of 18 U.S.C. §§ 3142(g)(1) and (4) in Dkt. 37 were removed in the final version of the Government's submission. Those references were ultimately removed from the final submission because the county-wide curfews were in effect for the days preceding June 1, 2020, and the days that followed. There was no curfew in effect on the evening the events transpired that ultimately resulted in the defendant's arrest. As a result, those specific references and arguments contained in Dkt. 37 should be disregarded.

**WHEREFORE**, for the foregoing reasons, the Government supplements its previous filing (Dkt. 37) with these corrections and clarifications.

*s/SETH T. MOLISANI*  
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Sworn to before me this 30<sup>th</sup> day of June, 2020.

*s/KATHLEEN M. RIEMAN*  
Notary Public, State of New York  
Qualified in Erie County  
Reg. No. 01R149866756  
My Commission Expires 9-23-2021